

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:08-HC-2101-D

UNITED STATES OF AMERICA,                          )  
    )  
    )  
Petitioner,    )  
    )  
    )  
v.    )  
    )  
    )  
FRANCISCO CASTREJON-ALVAREZ,                    )  
    )  
    )  
    )  
    )  
Respondent.    )

**ORDER**

The United States (“petitioner”) seeks to civilly commit Francisco Castrejon-Alvarez (“Castrejon-Alvarez” or “respondent”) as a “sexually dangerous person” under the Adam Walsh Child Protection and Safety Act of 2006 (“Adam Walsh Act”), codified at 18 U.S.C. §§ 4247–4248. Pursuant to the Adam Walsh Act, after a hearing, if the court finds by clear and convincing evidence that a person is a “sexually dangerous person,” the court must commit the person to the custody of the Attorney General. Id. § 4248(d). A “sexually dangerous person” is one “who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others . . . .” Id. § 4247(a)(5). A person is considered “sexually dangerous to others” if “the person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.” Id. § 4247(a)(6).

To obtain a commitment order against Castrejon-Alvarez, the government must establish three facts by clear and convincing evidence: (1) that Castrejon-Alvarez “has engaged or attempted to engage in . . . child molestation,” id. § 4247(a)(5); (2) that Castrejon-Alvarez currently “suffers

from a serious mental illness, abnormality, or disorder"; and (3) as a result of the serious mental illness, abnormality, or disorder, that Castrejon-Alvarez "would have serious difficulty in refraining from . . . child molestation if released." *Id.* § 4247(a)(6); see United States v. Wooden, No. 11-7226, 2012 WL 3855641, at \*1, 10 (4th Cir. Sept. 6, 2012); United States v. Francis, 686 F.3d 265, 273–74 (4th Cir. 2012); United States v. Hall, 664 F.3d 456, 461 (4th Cir. 2012); United States v. Comstock, 627 F.3d 513, 515–16 (4th Cir. 2010), cert. denied, 131 S. Ct. 3026 (2011).

On August 23, 2012, the court held a bench trial. On September 14, 2012, the court announced its findings and conclusions from the bench. The transcript is incorporated herein by reference. The court finds by clear and convincing evidence that Castrejon-Alvarez is a sexually dangerous person under the Adam Walsh Act. Thus, Castrejon-Alvarez is hereby committed to the custody and care of the Attorney General pursuant to 18 U.S.C. § 4248.

SO ORDERED. This 14 day of September 2012.



JAMES C. DEVER III  
Chief United States District Judge